

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:99-CR-00308-004 (DRD)

MELVIN TORRES-ROLDAN

MOTION IN RESPONSE TO COURT ORDER DATED FEBRUARY 1, 2007

**TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO:**

COMES NOW, Benjamín Bonilla-López, United States Probation Officer of this Honorable Court respectfully informs and prays the following:

1) On August 16, 2002, the offender was sentenced by Your Honor, to seventy-eight a (78) months imprisonment term to be followed by a four (4) year term of supervised release, after he was convicted of violating Title 21, United States Code, § 846. Mr. Torres-Roldan was further ordered to submit to urinalyses and a search condition was also imposed. The offender was released on December 23, 2004, at which time the supervision term began.

2) Mr. Torres-Roldan has completed twenty-five (25) of the forty-eight (48) months of his supervision term. Since the onset of supervision, the offender has been cooperative and has displayed a positive attitude toward the supervision process. He has complied with all Court-imposed conditions. All drug testing conducted to the offender have yielded negative results to illegal drug use. On July 31, 2002, the special monetary assessment was paid in full. On December 6, 2006, the offender provided his DNA as required by law.

3) Although Mr. Torres-Roldan is entitled to an early termination pursuant to Title 18, United States Code, § 3564 (c) & 3583 (e)(1), since sentencing, he has benefitted from the Court's leniency by receiving a sentence at the lower end of the guidelines. According to a United States Probation Office, District of Puerto Rico, Administrative Caseload Policy, an offender should be assigned to the

administrative caseload before being considered for early termination.

4) Therefore, despite the fact that Mr. Torres-Roldan has displayed a satisfactory adjustment while on supervision, the United States Probation Office is recommending that the offender's case be reclassified to the administrative caseload, which requires minimal supervision activities, in lieu of early termination at this time.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct, and after having considered all presented facts in this case, it is our office recommendation that in lieu of early termination, the offender be assigned to the administrative caseload.

In San Juan, Puerto Rico, this 20th day of February 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on February 20, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following Jose Ruiz, Assistant U.S. Attorney and to Hector Ramos-Vega, Assistant Federal Public Defender.

In San Juan, Puerto Rico, this 20th day of February 2007.

s/Benjamin Bonilla
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